



City of Seattle

Gregory Nickels, Mayor

Department of Planning and Development

D. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3002986

**Applicant Name:** Laura Hafermann of *Patano + Hafermann Architects* for Huevo LLC.

**Address of Proposal:** 420 Highland Dr

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to allow a three-story, five-unit apartment building with surface parking for seven vehicles (2 tandem stalls, 3 unencumbered). The following approval is required:

**Design Review – Chapter 23.41** Seattle Municipal Code

*Departures are requested for the following development standards:*

- *Lot Coverage*
- *Open Space*
- *Side Setback*
- *Structure Depth*<sup>°</sup>
- *Parking and Access*<sup>°</sup>

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition  
or involving another agency with jurisdiction

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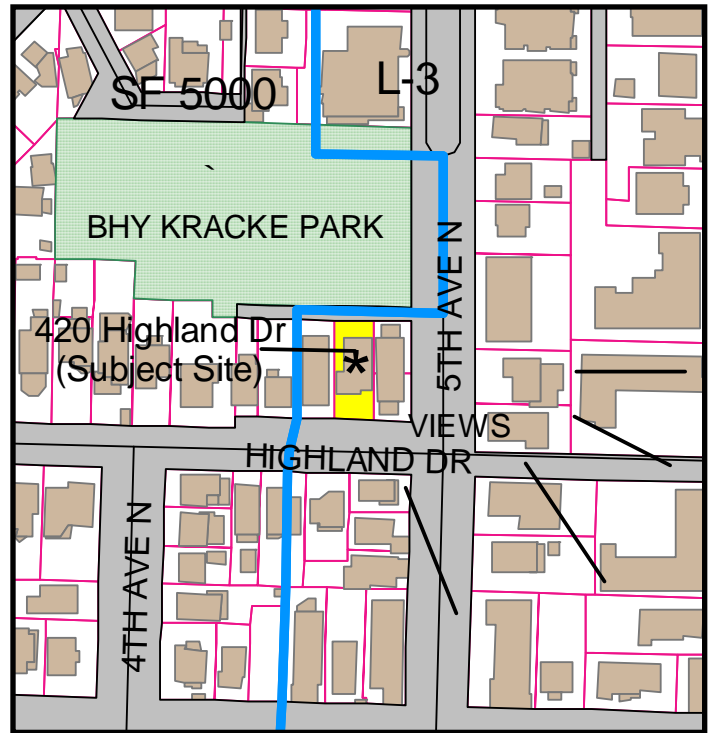
<sup>°</sup> Departure requirement determined during zoning review stage of MUP

## **VACINITY AND BACKGROUND:**

The approximately 3,993 square foot development site is located in the lower east Queen Anne neighborhood of Seattle and is zoned Lowrise Three (L3). In the immediate vicinity zoning includes two different zones, Single Family (SF 5000) west of the site, and L3 zoning, which is the subject site's zone and zoning to the west. Other zones in the vicinity are Lowrise Three Residential Commercial (L3-RC) to the east, Neighborhood Commercial Two (NC2-40) to the south along Valley St, and Seattle Mixed (SM-85) further east. Just east one block of the site is an arterial street, Taylor Ave N.

Development in the vicinity consists of some single family, multifamily and commercial structures all consistent with the zoning and anticipated development pattern.

A unique characteristic of the subject site and half block is the neighborhood pocket city park located to the north, Bhy Kracke Park. The Park has views of Downtown, Lake Union, and Capitol Hill. Also a unique characteristic is the 14' alley which extends from 5<sup>th</sup> Ave N westward approximately 180', where it dead ends at the fifth property it serves. Only four properties are accessible from the alley. Two of these properties currently take access from both the alley and the street (the subject site and 418 Highland Dr). The site slopes gradually, the southwest corner being the lowest point and the northwest corner being the highest point. There is approximately a 10' elevation change between these two points. The site has existing access from the street to covered parking and also has alley access to parking.



The applicant has volunteered for the Administrative Design Review process to request departures from development standards. Administrative Design Review is conducted by DPD staff and does not involve a Design Review Board. Departures are granted based on how the Master Use Permit (MUP) responds to the Early Design Guidance (EDG) given during the early design stages. The EDG was submitted on 7.20.05 and the guidance provided by the Department on 11.1.05. The MUP package was submitted by the applicant to the Department on 2.2.06.

## **PROPOSAL**

The applicant proposes to remove the existing residential structure and construct a five unit apartment building. There is an existing curbcut proposed to remain accessing parking from Highland Ave and parking is also proposed to be accessed from the abutting 14' alley. One ADA accessible unit is proposed on the ground floor. The 1' foot dedication to widen the alley was waived during the zoning review of the MUP.

The applicant proposes grasscrete parking and driveways throughout. A roof garden is proposed with access by a common rear projecting stair tower. The project may pursue a LEED or Built Green rating.

## **DEPARTURES**

The applicant is requesting the following five (5) Land Use Code departures:

1. *Lot Coverage SMC 23.45.010 – A2*
  - *to allow 45.8% where 45% is required*
2. *Open Space Requirements SMC 23.45.016 – A.3.b.(2).ii*
  - *to allow more than 1/3<sup>rd</sup> (73.3%) of open space above ground*
3. *Side Setback Requirements SMC Table 23.45.014 – A*
  - *to allow 5' minimum and average where a 5' minimum and 8' average is required*
4. *Structure Depth Requirements SMC Table 23.45.011 – A*
  - *to allow a portion of the structure (rear stair tower) to exceed structure depth requirements*
5. *Parking and Access Requirements SMC 23.45.018 – B.2 and 3*
  - *to allow vehicle access from an alley when apartments are proposed in an L3 zone across an alley from a Single Family zone. Both alley and street access is not permitted.*

The maximum lot coverage permitted for apartments in L3 zones is 45% or in this case approximately 1,778.85 sq. ft. The design proposes 1,830 sq. ft of lot coverage or 46.3%.

The required open space for apartments in L3 zones allows a maximum of 1/3<sup>rd</sup> the required opens space to provide above ground. The applicant is asking to provide 73.3% of the open space above ground. The total amount of open space required would be exceeded when considering both the roof garden and the at grade open spaces.

Side setbacks are required to be 5' with an 8' average. The applicant proposes to allow a 5' setback and a 5' average.

The structure depth is required to be no more than 65% of the lot depth. The lot depth is approximately 98.37' (1' dedication) so the maximum structure depth is 63.9'. The applicant proposes to exceed this requirement by 11.85' for a total of 75.75' for the 7'-2" wide rear stair tower only. The remainder of the structure will meet structure depth requirements.

It should be noted that departures #4 and #5 above were not originally noticed during the EDG and MUP comment periods as they were not determined to be departures until the MUP was reviewed for zoning compliance. Since the EDG submittal, the design did not change in a way that would have required these departures; they were always shown as a part of the proposal.

### Summary of Requested Departures

Development Standard Requirement: Four Departures	Proposed	Staff Notes and Analysis
<b>Lot Coverage:</b> 45% or 1,797 sq. ft.  SMC 23.45.010-A2	<b>Lot Coverage:</b> 45.8 % or 1,830 sq. ft.	<b>Lot Coverage:</b> This is requested to allow the access stair to be located on the outside of the structure. The material and location of the rear stair tower will obscure its mass from public view. The open posted west portion of the ground floor will further reduce the appearance of coverage.  <i>(A1, A2, A6, A7, C4, D1, E1)</i>
<b>Open Space:</b> a maximum of 1/3 <sup>rd</sup> the required opens space is permitted above ground.  SMC 23.45.016-A.3.b.(2).ii	<b>Open Space:</b> Provide more than 1/3 <sup>rd</sup> (73.3%) of the req. open space above ground.	<b>Open Space:</b> The applicant is proposing more than the required opens space in the form of a roof garden and grasscrete parking and drives are proposed. Considering the high quality green roof garden, street level-facing open space and the abutting City Park to the rear of the development this departure is justified.  <i>(A1, A2, A5, A6, A7, D1, E1)</i>
<b>Side Setbacks:</b> 5' with a 8' average  SMC Table 23.45.014-A	<b>Side Setbacks:</b> 5' setback and a 5' average.	<b>Side Setbacks:</b> Abutting structures provide no more than 5' setbacks and less. Also, the western façade will open on the bottom floor to accommodate parking. The public comment is supportive and the surrounding developments are consistent with this dimension. The obscuring windows and overall visual amenity of the structure justify this departure.  <i>(A1, A2, A3, A5, C4, D1, E1)</i>
<b>(4) Structure Depth:</b> 65% of lot depth 99.37' or 64.6'.  SMC Table 23.45.011-A	<b>Structure Depth:</b> 75.75' (for stair tower projection only).	<b>Structure Depth:</b> This departure is required only for the projection and enclosed area of the 7'-2" wide stair tower. The rear stair tower structure is composed of soft materials that will be interesting to viewers from the alley and the remainder of the building proposes less building depth (57') than is allowed (64.6').  <i>(A5, A7, A8, C4, D1, E1)</i>

Development Standard Requirement: Four Departures	Proposed	Staff Notes and Analysis
<p><b>(5) Parking and Access Requirements:</b> <i>Alley access not permitted for Apartments in L3 zones when across from Single Family zones. Both alley and street access is not permitted.</i></p> <p>SMC 23.45.018 – B.2 and 3</p>	<p><b>Parking and Access:</b> Allow Vehicle Access From The Alley.</p>	<p><b>Alley Access:</b> This departure is required to allow access from alley for apartments proposed in an L3 zone across from a Single Family zone. Since the Single Family zone across the alley is a City Park and is very unlikely to ever be developed as Single Family Housing access from the alley access would not have the impact the Land Use Code anticipates. Also the alley is well buffered by existing landscaping on the park along the alley.</p> <p>A4, A6, A7, A8, C4, D1, E1</p>

### **PUBLIC COMMENTS:**

DPD received two written comment letters and some phone calls concerning the project during the EDG comment period. One comment expressed support for the side setback departure request, stating that 5 ft setbacks are prevalent on Queen Ann. The second comment requested to be kept informed of the project as the comment writer is a neighbor. No comments were received during the MUP comment period.

### **STAFF COMMENTS MUP REVIEW:**

The Land Use Code requires all vehicle access be from the street where apartments are proposed across the alley from Single Family zoning, this requires a departure. Also apart of this departure is proposing both alley and street access. The proposed design shows access from the alley and street.

DPD determined the proposed rear stair tower would be over the allowed structure depth. It was also determined that the side setback average requirement of 8' is greater than initially submitted and thought by the applicant as 6'. The code requirement minimum setback of 5' is being met by the proposal.

### **MASTER USE PERMIT (MUP) SUBMITTAL AND DESIGN SUMMARY:**

The applicant made no major changes to the original massing, access and materials concept shown in the original preferred design in the EDG packet. The architect provided finish materials detail, ground cover detail, context of abutting developments, color perspective drawings, color landscape plans with plant detail and locations as well as well several site plans outlining the setbacks, open space and lot coverage proposed. Responses to the guidelines and specific guidance statements were provided by the applicant.

A strong design element of the project is its open space plan, which is proposed as a common access green roof garden layered with conifer, mosses, two usable deck areas, planters, and three other plant group areas (see L1.1 of the plan set). Pedestrian access for the roof garden is provided by 18" pavers set in gravel via the rear common stair tower. There are two skylights that provide natural light to the units below. The roof has a 3' parapet with a guardrail on top that surrounds the roof garden.

All parking (7 parking spaces total: 2 tandem stalls, 3 unencumbered) and driveway areas are proposed as permeable pavers and or turf block to provide a softer driveway while increasing infiltration and natural drainage (see L1.0 for detail).

The street facing façade is composed of a horizontal rhythm made up of three bands accentuating each floor of the building. The main element of the finish material on this façade is the five approximately 7' x 13.5' six pane aluminum picture windows which demarcate each apartment unit. Many windows also include mechanized window shading. There is one apartment on the bottom floor and two apartments on each the second and third floors. These windows are framed by painted steel moment horizontal bands above the first and second floors. These bands are also found vertically on the corners of the street facing façade and down the center of the structure.

The roof is capped with a strong parapet made of cementitious rectangular panels with exposed fasteners. The ADA accessible ground floor unit has the only pedestrian entry facing the street. Also, the structure is posted and open to air on the western half of the first floor. Parking and access is located under the building in this location. The pedestrian entry located on the eastern portion of the ground level is accentuated with weather protection, a red entry door, stained fence, and stamped/stained concrete entry area. There is a stained concrete pedestrian access to a common walk way from the street provided extensive landscaping proposed in the front setback and in the large right of way area from the property line to the sidewalk (approximately 15'). The ground floor unit is ADA accessible. All access to the 2<sup>nd</sup> and 3<sup>rd</sup> floor units is from the rear stair tower.

The east and west elevations provide a majority of the exterior finish as cementitious rectangular panels with exposed fasteners. Eight windows are located on the east elevation and twelve on the west. These windows are translucent in specified panes to provide privacy to and from adjacent structures.

The rear stair tower projects from the rear façade toward the alley and is proposed to have translucent polycarbonate paneling to provide both privacy and interest. The stair tower is connected to the structure by way of decks that extend from each floor across the rear of the enclosed heated living space. There are openings at the northeast and northwest corners in the stair tower at all levels that will provide natural light and air.

### **DIRECTOR'S ANALYSIS & DECISION: DESIGN REVIEW**

After analyzing the site in its context, the conceptual massing, the parking scheme and the MUP plans provided by the proponent, the Director provided the siting and design comments to the applicant during the EDG phase of the project.

Identified below by letter and number are the siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" determined to be of highest priority for this project. The specific guidance statements given to applicant during the EDG phase of the project can be found in the project file in the EDG document. Below the guideline language is a summary and analysis of the applicant's responses to the priority guidelines and DPD recommendations on design responses.

**A. Site Planning**

**A-1 Responding to Site Characteristics.**

*The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.*

The project takes advantage of the views to Downtown, Lake Union and Capitol Hill. Considering the flat roof design and common access green roof garden, this guideline has been achieved.

**A-2 Streetscape Compatibility.**

*The siting of the buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

The design provides a consistent front setback with neighboring structures, positive green characteristics with ROW landscaping and interesting detailing of the front entry patio. Considering these characteristics and the engaging windows this guideline has been met.

**A-3 Entrances Visible from the Street.**

*Entries should be clearly identifiable and visible from the street.*

Considering the stained pedestrian walkway, celebrated front entry, pervious paving, turf block drive and proposed landscaping this guideline has been achieved.

**A-4 Human Activity**

*New development should be sited and designed to encourage human activity on the street.*

**&**

**A-6 Transition Between Residence and Street**

*For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.*

**&**

**A-7 Residential Open Space**

*Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.*

The green roof garden, ground level open space between the street and the structure and large view facing windows maximize views and sun access. The window design, open space and soft green landscaping in the front setback will provide surveillance capability to the residents while simultaneously transitioning to the street. As a result the design is compliant with these three guidelines.

**A-5 Respect for Adjacent Sites**

*Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.*

The green roof will provide a visual amenity to properties at higher elevations. The use of translucent view obscuring windows and paneling through out the structure is consistent with this guideline. The applicant did not provide details with respect to lighting on the roof garden and the rear stair tower. These lights should be shielded to minimize impacts to neighbors. With the imposition of a condition, this guideline can be met.

**A-8 Parking and Vehicle Access.**

*Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

The design minimizes the street access considering the pervious pavement, use of turf block and large ROW area landscaping. The alley parking is softened with turf block and pervious paver material. The parking spaces accessed from the street are delineated and provided completely as pervious paver material under the building. On the driveway, between the structure and the building, the wheel paths for vehicles are the only area provided as pervious pavers while turf block is provided to the sides and down the center of the drive. The difference in the parking area surface and drive clearly delineates the separation of driveway and parking area. As a result, the design has met this guideline.

**C. Architectural Elements and Material**

**C-1 Architectural Context.**

*New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.*

The structure's fenestration rhythm is appropriate for the site context and abutting properties. The project will provides a modern design concept with durable finish materials that will produce a visual amenity to the neighborhood. The strong front facing landscaping is common element in front setbacks along this street that the design mimics. The modern materials and green design are not common for this block, but do set a good precedent for future structures in the area. As a result, this guideline is achieved.

**C-4 Exterior Finish Materials.**

*Building exteriors should be constructed of durable and maintainable materials. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

Considering the applicant's choice of large windows, green roof, cementitious paneling with exposed fasteners, delineating window shades, strong moment frames between floors, the rear stair tower paneling and green roof, the applicant has met this guideline.



**D. Pedestrian Environment**

**D-1 Pedestrian Open Spaces and Entrances.**

*Convenient and attractive access to the building's entry(s) should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.*

Front landscaping and open space are well designed with alternate paving, architectural fencing, weather protected entry door, stained pedestrian path and strong ROW landscaping. Considering these elements this guideline is met.

**E. Landscaping**

**E-1 Reinforce existing landscape character of neighborhood.**

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

As stated, the design continues the pattern of surrounding properties to provide meaningful landscaping in the front setback which is complemented by the accentuated front entry and green roof garden.

**DPD DEPARTURE DECISIONS**

The applicant requested departures and DPD decisions from those Land Use Code Development Standards are as follows:

1. Allow more than the allowable lot coverage (*allow 45.8% where 45% is required*)  
SMC 23.45.010-A2 – **GRANTED.**
2. Allow more than 1/3<sup>rd</sup> of the required open space above grade (*73.3% provided above grade*)  
SMC 23.45.016-A.3.b.(2).ii – **GRANTED.**
3. Allow less than required side setbacks average from 8' to 5' on the both the east and west lot lines (*5' minimum requirement is still met*)  
SMC Table 23.45.014-A – **GRANTED.**
4. Allow greater than the maximum allowable structure depth from 64.6' to 75.75' (*only for 7'-2" wide rear projecting stair tower*)  
SMC Table 23.45.011-A – **GRANTED.**
5. Allow vehicle access from the alley and street for apartments in an L3 zone across the alley from a Single Family Zone.  
SMC Table 23.45.018-B.2 and 3 – **GRANTED.**



## **CONDITIONS - DESIGN REVIEW**

### **Non-Appealable Conditions**

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Lucas DeHerrera, 206.615.0724). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Lucas DeHerrera, 206.615.0724), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions on the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all Building Permit drawings (DPD #6088731).
4. Add the departure matrix shown on page 4 of this document to the coversheets of the MUP and Building Permit Plans to be microfilmed.

### **Prior to Issuance of the Master Use Permit**

5. The applicant shall submit a tangible true color materials composition board for the rear stair tower finish materials.

### **Prior to Issuance of the Building Permit**

6. Submit for review and approval to the Land Use Planner (to be included in the Building Permit plans) a lighting plan for the rear stair tower and roof garden addressing light spillover onto adjacent properties. The design should use shielded low level down lighting that produces minimal lighting spill over onto surrounding properties.
7. Include the color drawings (A3.1, L1.0, L1.1) from MUP plans as part of the building permit sets (1 and 2) of record.

### **Prior to Certificate of Occupancy**

8. Compliance with the approved design features and elements, including exterior materials, finishing details, roof pitches, colors, landscaping and R.O.W. improvements, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner (Lucas DeHerrera, 206.615.0724) must be made at least 3 working days in advance of the inspection.



During Construction

9. All changes to the exterior facades of the building and landscaping on site and in the R.O.W. must be submitted as a revision to the building permit and reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Signature: (signature on file)  
Lucas DeHerrera, Land Use Planner  
Department of Planning and Development

Date: May 29, 2006

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